

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: HEALTH SERVICES - WESTMOUNT HEALTH FACILITY

DATE: FEBRUARY 10, 2011

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS SOKOL
THOMAS
CHAMPAGNE
TAYLOR
MCDEVITT

REPRESENTING WESTMOUNT HEALTH FACILITY:
BARBARA TAGGART, ADMINISTRATOR
BETSY HENKEL, COMPTROLLER
SUSAN BARTHOLOMEW, DIRECTOR OF NURSING
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS CONOVER
KENNY
LOEB
MCCOY
WOOD
TODD LUNT, DIRECTOR OF HUMAN RESOURCES
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Sokol called the meeting of the Health Services Committee to order at 8:33 a.m.

Motion was made by Mr. Taylor, seconded by Mr. Champagne and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Barbara Taggart, Administrator of Westmount Health Facility, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Ms. Taggart thanked the Committee members for agreeing to meet on short notice and presented a request for a resolution for a waiver to allow her the authorization to fill vacant CNA (Certified Nursing Assistant), LPN (Licensed Practical Nurse) and RN (Registered Nurse) positions in order to maintain staffing levels as required by law and as budgeted. She opined that it was important for her to retain this authority, as it was a competitive hiring environment for these positions and the need to fill vacant positions could arise without sufficient notice. She added that adequate staffing levels were vital to the quality and consistency of the care given to the residents.

Motion was made by Mr. Champagne and seconded by Mr. Taylor to approve the request as outlined above.

Mr. Champagne asked if a waiver to the hiring freeze had been adopted in the past for Westmount Health Facility and Ms. Taggart responded affirmatively adding that the previous waiver had expired. Mr. Champagne recalled that the previous waiver had been authorized in order to reduce the amount of funds expended on per diem and overtime salaries due to insufficient staffing levels. He opined that the request was reasonable due to the mandatory staffing levels imposed by the New York State Department of Health (NYS DOH); however, he noted that the Board had been discriminative with the requests to fill vacant positions which were submitted by other Departments. Mr. Geraghty suggested Ms. Taggart be granted the authority to fill the vacant position upon the approval of the Chairman of the Health Services Committee and the County Administrator. He asked if exit interviews were being conducted with the employees who vacated the positions and Todd

Lunt, Director of Human Resources, responded that although exit interviews had not been given to all of the employees who resigned from Westmount Health Facility in the past year, the employees who resigned recently had been interviewed. Mr. Geraghty stressed the importance in understanding the reason for an employee's resignation and he requested that an effort be made to conduct exit interviews for all resigning employees.

Mr. Taylor asked if the request was to waive the 2/3 majority vote requirement of the hiring freeze and Paul Dusek, County Attorney/Administrator, replied the waiver would be for the entire approval process. He explained it would be necessary for Ms. Taggart to request approval from himself and Mr. Sokol and he clarified the waiver would not grant the authority to create new positions, it would merely allow her to fill vacant nursing positions which were included in the Department's Table of Organization and budget. Mr. McDevitt opined that because the Facility was responsible for the health care and safety of the residents, it was reasonable that the hiring process be placed into a separate category.

Mr. Sokol suggested that an expiration be placed on the waiver. Mr. Dusek stated that the original intention of the hiring freeze had been to gain more control on the staffing levels of departments; to allow the Board an opportunity to re-evaluate job titles and salaries; and as a means to review the departments. He apprised that for a nursing facility the staffing levels were State mandated; however, he suggested the staffing levels of the Facility be reviewed on a yearly basis during the budget process. Mr. McCoy questioned the responsible party for determining the salaries for these positions and Mr. Dusek replied that the salaries for the nursing positions were established by the union contract. Mr. Thomas suggested the Committee be updated on a monthly basis as to which vacant positions were filled and the reason the previous employee had resigned and Ms. Taggart agreed to do so. Mr. Champagne opined that the staffing requirements imposed by the State superseded the County's hiring process.

Mr. Sokol called the question and the motion was carried unanimously to authorize a waiver to allow the Administrator of Westmount Health Facility to fill vacant CNA, LPN and RN positions in order to maintain staffing levels as required by law and as budgeted, upon approval of the Chairman of the Health Services Committee and the County Administrator with the following requirements: an exit interview be conducted for each employee to determine their reason for vacating the position; the supervisory Committee be provided with a monthly report listing which positions were filled and the reason the previous employees vacated the positions; and with the understanding that the staffing levels for the Facility would be re-evaluated on a yearly basis during the budget process. *A copy of the resolution request form is on file with the minutes and the request was forwarded to the Personnel Committee.*

Ms. Taggart requested to fill the vacant position of RN Supervisor #3, base salary of \$43,905, Employee No. 11043, due to a lateral transfer. Mr. Champagne questioned the need for this request since the previous motion had granted Ms. Taggart the authority to fill vacant nursing positions as necessary and Mr. Dusek agreed that the previous motion granted the necessary authority and therefore, the requests would merely be for informational purposes.

Ms. Taggart stated she also intended to fill the following vacant positions:

- ▶ RN Supervisor #5, base salary of \$43,905, Employee No. 11737, due to resignation as the employee had accepted a higher paying position elsewhere;
- ▶ CNA #6, base salary of \$25,344, base salary of \$25,344, Employee No. 11850, due to termination of an employee that had not completed their probationary period;
- ▶ CNA #33, base salary of \$25,344, Employee No. 11155, due to resignation as the employee

- had accepted a per diem position; and
- CNA #40 - Floating, base salary of \$25,344, Employee No. 28, due to resignation as the employee had accepted a full time position.

Pertaining to the RN Supervisor #5 position, Mr. Champagne asked the name of the facility to which the resigning employee had accepted a position and Ms. Taggart replied that it was the Veterans Hospital. Mr. McDevitt questioned the difference in salary and Ms. Taggart replied the salary difference was significant. Mr. McDevitt asked if there was an upcoming Civil Service exam for any of the positions and Ms. Taggart replied in the negative.

Mr. Sokol reported that there was a referral from Westmount Health Facility on the agenda for the Finance Committee meeting later today and he requested Ms. Taggart explain to the Committee members.

Ms. Taggart apprised the referral to the Finance Committee was a request to authorize settlement of Civil Money Penalties relating to the February 25, 2010 New York State Department of Health (NYS DOH) violation for an amount of \$2,000. She explained that in February 2010 one of the Facility's Nurses had filed a complaint with the NYS DOH stating that laboratory work for the residents was not being completed in a timely manner. As a result of the complaint, she continued, the Facility had received an Immediate Jeopardy violation for one day. Ms. Taggart apprised that Patricia Murphy, the Director of Nursing at that time, had rectified the issue the same evening and a Plan of Correction had been submitted to the NYS DOH.

Mr. Sokol questioned the source of funding that would be used to pay the Civil Money Penalties and Betsy Henkel, Comptroller for Westmount Health Facility, replied the funds had been budgeted for 2010 in anticipation of the fine and she noted the fine would need to be paid by February 19, 2011. Mr. Thomas asked what an Immediate Jeopardy violation pertained to and Ms. Taggart responded it was a violation for an issue which could cause random harm to the residents and noted the issue with laboratory work had happened during the Christmas holiday.

Motion was made by Mr. McDevitt, seconded by Mr. Thomas and carried unanimously to authorize settlement of Civil Money Penalties relating to the February 25, 2010 NYS DOH violation for an amount of \$2,000 and to forward same to the Finance Committee.

As there was no further business to come before the Health Services Committee, on motion made by Mr. Thomas and seconded by Mr. Taylor, Mr. Sokol adjourned the meeting at 8:49 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist